

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 13-133
)	
DAVID DZERMEJKO,)	
)	
Defendant.)	

HEARING ON - SENTENCING

Before Judge Nora Barry Fischer

Carolyn J. Bloch, AUSA
Appear for USA

John A. Knorr, Esquire
Appear for Defendant

FBI Special Agent: Greg Frankhouser
Probation – Tracy DeMartino

Hearing begun 4/25/14 at 2:00 p.m.
Hearing concluded 4/25/14 at 4:10 p.m.

Hearing adjourned to _____
Stenographer : J.Kienzle
Clerk: J. Galovich

WITNESSES:

For Government
1. Michael Klein (4/25/14)

For Defendant

Court details background of case; Oath administered to defendant; Court asks defendant questions re: Presentence Report, Addendum & Tentative Findings, defendant answers & understands; Court remarks on Guidelines and pertinent Supreme Court & Circuit Court decisions; Court notes that parties have no further objections to Presentence Report; Court adopts the Presentence Report & addendum, except as otherwise set forth in the Court's Tentative Findings & Rulings; Court adopts its Tentative Findings & Rulings as its Initial Findings and Rulings; Court comments on submission made to the Court, including defendant's Sentencing Memorandum [54] & construes as a Motion for Downward Departure and Downward Variance; Court hears testimony of Mr. Klein; Counsel for defendant examines defendant in response to said testimony & Defendant makes statement to the Court; The Court makes additional findings on the record with respect to letters submitted with defendant's Sentencing Memorandum, medical records, evidence from the Government, Victim Impact Statements and testimony and hears response of counsel; Defendant makes statement to the Court; Court hears argument on defendant's Motion for Downward Departure and Motion for Downward Variance; Court denies defendant's Motion for Downward Departure; Court grants, in part, defendant's Motion for Downward Variance; Sentence Imposed: The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of thirty-six (36) months w/recommendations more fully stated in Judgment; Twelve (12) years' Supervised Release w/standard and additional conditions; No Restitution ordered; Fine waived; \$100 Special Assessment was paid on 11/18/13 [29]; The Preliminary Order of Criminal Forfeiture [31] dated 11/7/13 (which indicating that: 1. All right, title and interest of David Dzermejko in the following

property are forfeited to the United States for disposition in accordance with federal law pursuant to 18 U.S.C. § 2253(a)(3) and 28 U.S.C. § 2461(c): Lenovo laptop computer, Gateway NV79 computer, Transcend external hard drive, 500GB, iPhone (all assets delineated by CATS identification number 13-FBI-003914); 2. This Order of Forfeiture Against David Dzermejko will be made part of criminal judgment against David Dzermejko and incorporated into his sentence pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure; and 3. The Court will adjudicate all third-party claims) is made part of the Judgment; Court states its reasons for imposition of Sentence; Court advises defendant of appeal rights; Defendant permitted to self report to the U.S. Marshal by no later than 9:00 a.m. on June 6, 2014, unless defendant is advised to report to a facility at an earlier date by the Bureau of Prisons; it is ordered that Defendant David Dzermejko's conditions of Bond are amended as follows: It is ordered that the defendant shall register, within three (3) days of imposition of Judgment, as a convicted sex offender where he resides, is employed, carries on a vocation or is a student. In all other respects, Defendant David Dzermejko's previously imposed conditions of Bond shall remain in full force and effect.